

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Baldwin Park for an order authorizing it to construct an elevated, grade-separated, pedestrian bridge overcrossing at Mile Post 18.81 over the Southern California Regional Rail Authority (SCRRA) rail adjacent to the Metrolink Station in the City of Baldwin Park, County of Los Angeles.

Application 12-10-010
(Filed October 18, 2012)

**DECISION GRANTING AUTHORIZATION TO THE CITY OF BALDWIN PARK
TO CONSTRUCT A PEDESTRIAN GRADE-SEPARATED CROSSING FOR
THE BALDWIN PARK TRANSIT CENTER STATION OVER THE METROLINK
SAN GABRIEL SUBDIVISION TRACKS IN THE CITY OF BALDWIN PARK,
LOS ANGELES COUNTY**

Summary

This decision grants the City of Baldwin Park authorization to construct a new pedestrian grade-separated rail crossing for the Baldwin Park Transit Center Station over the Southern California Regional Rail Authority San Gabriel Subdivision track located in the City of Baldwin Park, Los Angeles County. The new crossing is to be identified as CPUC Crossing No. 101SG-18.81-AD and DOT No. 966169U.

Discussion

The proposed crossing (crossing) will connect the new Baldwin Park Transit Center, currently under construction, to the Baldwin Park Metrolink Station. Metrolink operates approximately 34 passenger trains per day at a

maximum speed of 70 MPH and BNSF Company operates 2 freight trains per day at a maximum speed of at 30 MPH over the track. The City of Baldwin Park (City) requests authorization to construct a new grade-separated crossing, identified as the Baldwin Park Transit Center Pedestrian Bridge Crossing, over the Metrolink tracks.

The proposed crossing is part of the comprehensive regional transit center expansion project with the primary objective of accommodating alternative forms of public transit for the community to encourage bus transit, cycling, carpooling and rail usage, to reduce single-occupancy commuting. The crossing will be identified as CPUC Crossing No. 101SG-18.81-AD and DOT No. 966169U. The crossing will permit transit patrons using the adjacent parking structure or those arriving by bus, a means to safely access the Metrolink platform by crossing over Bogart Avenue and the railroad track. Future potential commercial, retail, and mixed use development in the adjacent downtown area is also anticipated to result in increased transit use.

The proposed crossing is an east-west overhead bridge with an approximate span of 100 feet and width of 10 feet, crossing above the track. To the east, the structure includes the tower that provides vertical access to the bridge by means of an elevator and stairwell; to the west, the bridge connects to a six-level parking structure with up to 500 parking spaces. The bridge's design and construction will conform to all Americans with Disabilities Act requirements. The vertical and horizontal clearances between the railroad track and the pedestrian bridge structure comply with the requirements specified in the California Public Utilities Commission (Commission) General Order 26-D, Regulations Governing Clearances on Railroads and Street Railroads.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for the Baldwin Park Transit Center project and to construct the new crossing. The Commission is a responsible agency under CEQA because it will be issuing a permit for a portion of the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³

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¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

approving this project.⁴ The City had previously initiated a review of the proposed project pursuant to CEQA. As part of this earlier review, the City determined that an Environmental Impact Report (EIR) was not required. This conclusion was further supported as part of the preparation of a Final Environmental Assessment (EA), dated January 11, 2011. It was prepared in accordance with requirements of the Federal Transit Administration and the National Environmental Policy Act (NEPA)⁵. The EA determined that the project would not result in any immitigable environmental impacts.

The City prepared a Notice of Exemption (NOE) dated June 25, 2008. The NOE concluded that the project qualifies for Categorical Exemption under CEQA Guidelines Section 15332, as an in-fill development project and will not result in a significant impact upon traffic, noise, air quality or water quality.

The Commission reviewed and considered the NOE and finds the document adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section staff has reviewed and analyzed the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three (3) years.

⁴ CEQA Guidelines, Sections 15050(b) and 15096.

⁵ 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

Categorization and Need for Hearings

In Resolution ALJ 176-3303 dated October 25, 2012, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory J. Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on October 19, 2012. There are no unresolved matters or protests. A public hearing is not necessary.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a new pedestrian grade-separated crossing over Metrolink's San Gabriel Subdivision track located in City of Baldwin Park, Los Angeles County, to be identified as CPUC Crossing No. 101SG-18.81-AD and DOT No. 966169U.
3. The City is the lead agency for this project under CEQA, as amended.
4. The Commission is a responsible agency for this project.

5. Safety, traffic/transportation, and noise impacts are areas within the scope of the Commission's permitting process.

6. The City had previously initiated a review of the proposed project pursuant to CEQA. As part of this earlier review, the City determined that an EIR was not required. The City filed an NOE on June 25, 2008.

7. The Commission has reviewed and considered the information contained in the NOE.

8. The NOE reflects the Commission's independent judgment and analysis.

Conclusions of Law

1. The NOE is adequate for our decision-making purposes.
2. The NOE was completed in compliance with CEQA.
3. The application is uncontested and a public hearing is not necessary.
4. The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. The City of Baldwin Park is authorized to construct a new grade-separated pedestrian-rail crossing connecting the Baldwin Park Transit Center and the Baldwin Park Metrolink Southern California Regional Rail Authority San Gabriel Subdivision track, as described in its application, which is located in City of Baldwin Park, Los Angeles County.

2. The new grade-separated pedestrian-rail crossing shall be identified as CPUC Crossing No. 101SG-18.81-AD and United States Department of Transportation No. 966169U.

3. The new Baldwin Park Transit Center pedestrian grade-separated pedestrian-rail crossing shall have the crossing treatments and configuration described above and specified in the application and attachments.

4. The City of Baldwin Park shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

5. The City of Baldwin Park shall notify the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

6. Within 30 days after completion of the work under this order, the City of Baldwin Park shall notify the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

7. Within 30 days after completion of the work under this order, the Southern California Regional Rail Authority shall notify the Federal Railroad

Administration of the existence of the crossing by submitting a U.S. DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy is to be provided concurrently to the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov.

8. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so requires.

9. A request for extension of the 3-year authorization period must be submitted to the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least 30 days before its expiration of that period. A copy of the extension request shall be sent to all interested parties.

10. This application is granted as set forth above.

11. Application 12-10-010 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.